

Official Minutes for Webb County Commissioners Court Meeting

Monday, November 8, 2004 at 1:00 PM and continuing on
Tuesday, November 9, 2004 at 1:00 PM
(Approved 12-13-2004)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:
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| Louis H. Bruni | County Judge |
| Jerry Vasquez | Commissioner, Pct. 1 |
| Judith Gutierrez | Commissioner, Pct. 2 |
| Felix Velasquez | Commissioner, Pct. 3 |
| David Cortez | Commissioner, Pct. 4 |

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 3rd and 5th of November 2004. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk
- Item No. 3 Pledge of Allegiance – Led by Judge Bruni
- Item No. 4 Approval of minutes – September 13th, September 27th and October 12th meetings

Cmr. Vasquez motioned to accept the minutes as presented. Cmr. Gutierrez seconded the motion.

Cmr. Velasquez stated that during the meeting of September 13th, the court adopted its annual budget and wanted the minutes to reflect the approved budget as totaling \$51,382,601. Mr. Homero Ramirez, County Attorney, stated that it would be difficult to include the totals in the minutes since there are some calculations pending. He stated that he reviewed the minutes and found that they accurately reflected the actions taken by the court. Cmr. Cortez stated that he voted against the item regarding the Youth Village. Mr. Carlos Villarreal, Court Executive Administrator, stated that the figure shown by Cmr. Velasquez was incorrect and the final figure will be ready by the end of the week.

Motion carried 5-0 by unanimous consent.

Item No. 5 Approval of bills, payroll and monthly reports

Mr. Leo Flores, County Auditor, presented his monthly report to the court. He stated that the beginning budget balance was increased by \$971,313 from last years balance due to increased revenues and decreased expenditures. He stated that as the budget increases, the amount needed in the reserves increases since the county must maintain a minimum of 15% of the budget in reserves. Cmr. Cortez requested that Cmr. Velasquez submit his suggestions for software to be upgraded in the County Auditor and County Treasurer's department. Cmr. Velasquez stated that he would like to implement more user friendly systems that other departments would be able to use as well. Mr. Leo Flores, County Auditor, stated that as per the independent auditor's, the system is adequate and the only problems are with employees who run the program.

Cmr. Velasquez motioned to accept the County Auditor's Monthly Report. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 6 Communications

Cmr. Vasquez stated that he fully supported Mr. Homero Ramirez, County Attorney, in the execution of his duties. He stated that the actions of his employees after work hours should not reflect badly on Mr. Ramirez. He stated that Mr. Ramirez is a man of high integrity.

Cmr. Gutierrez echoed Cmr. Vasquez's statements and stated that she supported Mr. Ramirez and his staff 100%. She stated that the past month was very difficult for the Road and Bridge department since Mr. Mario Gonzalez and Mr. Rogelio Ramirez both passed away in October. Cmr. Gutierrez requested a moment of silence.

Judge Bruni concurred with Cmr. Gutierrez and Cmr. Vasquez's comments and stated that no one can control the actions of others. He stated that he had full faith and confidence in Mr. Ramirez. He requested that the court and public keep our troops in their prayers as new developments arise in Iraq.

Cmr. Velasquez congratulated those who won their respective elections on November 2nd, especially Mr. Henry Cuellar and Mr. Henry Bonilla. He praised the Elections Administrator and his staff for a smoothly run election as well as the Sheriff's Department staff and Mr. Carlos Villarreal for their hard work in getting out of the remedial orders.

Cmr. Cortez advised all department heads to report to Mr. Raul Casso, Chief of Staff, before traveling out of town. He stated that they were looking for a department head last week and no one knew where they were. He stated that Webb County was fortunate to have Mr. Henry Cuellar as congressman and knows that he will do an outstanding job. He welcomed H-E-B's representatives for the Feast of Sharing and stated that the H-E-B on San Dario needed to be replaced due to its deteriorating condition.

Sheriff Juan Garza stated that the Webb County Jail received its certification last week and thanked the court and staff for the hard work done against high odds. He stated that a new jail is needed to replace the old jail.

Judge Bruni thanked the Sheriffs Department staff, Mr. Carlos Villarreal, Court Executive Administrator, and Mr. Raul Casso, Chief of Staff, for the hard work done to bring the jail under compliance within five months.

Cmr. Cortez congratulated Sheriff Garza and his staff and thanked Judge Bruni for the leadership he demonstrated in bringing the jail under compliance. He stated that he will entrust his faith in Sheriff-elect Rick Flores as well when he takes office. He also thanked Mr. Jim Allison for the hard work he did to get the jail re-certified.

Item No. 7 Public Comment

There were no public comments.

Item No. 8 Presentation from "Feast of Sharing" by Gabriel De Leon Chairman and Tim Mata Co-Chair to be held on Sunday November 21, 2004 at the Laredo Civic Center from 10:30 a.m. to 3:00 p.m.

Ms. Gabriela De Leon, H-E-B representative, extended an invitation to the court and public to attend the Feast of Sharing. Mr. Tim Mata, H-E-B representative, stated that this event targets the elderly and low income but open to the public. He stated that 24 similar events are held all over Texas and Mexico and this will be the 16th year in Laredo. Cmr. Cortez stated that H-E-B has always given back to the community and that their employees donate many hours to the yearly feast.

Item No. 9 Presentation by United Independent School District School Board President and Mr. Oscar Rodriguez, U.I.S.D Superintendent will present Judge Bruni and each Commissioner with a letter and an Employer Commendation Certificate on behalf of the Texas Association of School Boards.

Mr. John Bruce and Mr. Oscar Rodriguez presented the court a letter and certificate from the Texas Association of School Board. Cmr. Cortez stated that school board members dedicate many hours to their post and are not paid for their services. He stated that it spoke very highly of the members for them to dedicate so many hours for the betterment of the children without the expectation of payment. Cmr. Velasquez sent a heartwarming thanks to the school board members for their hard work.

Item No. 10 Status report on alleged illegal dumping at Pueblo Nuevo Subdivision, with discussion and possible action to take remedial measures for the same

Mr. Tomas Rodriguez, County Engineer, stated that he received a telephone call in regards to this matter two weeks ago and advised the County Attorney. He stated that he sent a notice to TCDQ and have advised the owner of the illegal activities. Mr. Homero Ramirez, County Attorney, stated that there are similar cases of this in the area and will keep court updated on this matter. He stated that several residents are under the impression that a county-led clean up drive will be held and have begun preparing for this by dumping refuse at the lots were the pick ups are supposed to be held. He stated that citations for illegal dumping will be issued to those dumping refuse. Cmr. Gutierrez stated that there are too many illegal dumpsites to keep track of all of them and would like to create a flyer regarding this matter to pass out to the community.

Cmr. Gutierrez motioned to move up the Addendum Item No. 1, No. 2 and No. 3. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum 1
Item No. 2

Proclamation declaring the week of November 8, 2004 "Employer Support of the Guard and Reserve Week" in Webb County.

Mr. Adolfo Gonzalez thanked the court for their continued support of National Guard and Reserve employees. He stated that Webb County and Zapata County are the first counties in Texas to receive this recognition.

Addendum 1
Item No. 1

Presentation by Dr. Dennis Cantu, Chairman of the Webb County Casa Blanca Golf Committee.

Dr. Dennis Cantu thanked the court for the attention that they are giving to the needs of the only public golf course in Webb County. He stated that the course has deteriorated over the years due to political in-fighting, budgetary constraints and environmental impacts. He stated that the monies invested will be well spent and bring a positive impact to the community. He stated that in addition to the monies already allocated, the committee would also request an additional \$50,000 to renovate the existing driving range.

Mr. Hector Garcia stated that the golf course has come a long way since April in grounds keeping and will be a great source of pride for the county once it has been renovated.

Cmr. Velasquez stated that he has been trying to convey this message to the court for several years and the report prepared by the committee will show the type of jewel the county has in this golf course. He commended the court for looking at this issue in a positive perspective. Cmr. Cortez stated that the golf course is used by many local organizations to raise scholarship monies for the local youth. He stated that he would like for an experienced company to work on the golf course and would have no problems in using Road and Bridge equipment to improve the golf course. Judge Bruni stated that this course benefits many local agencies but feels that a

second golf course is needed in Webb County. Mr. Homero Ramirez, County Attorney, stated that this was a presentation item only and no action can be taken.

Mr. Hector Garcia stated that the project should be rushed in order to try to get as much work done as possible during the winter months when the golf course is less busy. He stated that the work needed would be done in phases and stated that company that issued proposal would be working on a master plan for the golf course renovations.

Comr. Cortez stated that he would see if he has any monies available to set aside for the golf course. Comr. Vasquez commended the committee for their dedication and stated that he would look to see if he also has some monies available for the golf course.

Addendum 1
Item No. 3

Discussion and possible action to name the Webb County Administration Building the "William (Billy) Hall Jr." Building and have a bust made and placed inside the building. The funding for the bust would be from capital outlay 2003 bond money, fund 660, interest earned.

Comr. Velasquez stated that Mr. Hall served Webb County for many distinguished years. He stated that he was a hard worker who left behind a legacy that has inspired many elected officials. He stated that the court should honor his commitment and his family.

Comr. Velasquez motioned to approve item as submitted. Comr. Cortez seconded the motion.

Comr. Gutierrez stated that she was privileged to have served with him and stated that he has always had something to say. He stated that he was always there if someone needed anything and was very appropriate to name the building in his honor.

Judge Bruni stated Mr. Hall was his cousin and couldn't say enough good things about him. He stated he served the community well.

Comr. Cortez stated that Mr. Hall was in a ray of sunshine to everyone and was always smiling. He stated that he offered good solid advice and was a special person who was admired by many.

Motion carried 5-0 by unanimous consent.

Mrs. Annabelle Uribe Hall thanked the court for recognizing her late husband's commitment to the public and for the honor that they were bestowing him. She stated that he was very excited when the Administration Building construction began and he met often with the architect to see what was going on. She thanked the court for allowing Billy to return to his beloved Webb County forever.

RECESS (3:01 pm to 3:17 pm)

Item No. 11 Status on contractual performance by IDEAA Program with discussion and possible action on contractual remedies in case of non-performance or breach.

Judge Bruni stated that he has seen no accountability or reporting on how the funding for this project was being spent and wanted to know what could be done if there was a breach of contract. He would like for Mr. Raul Casso and Mr. Jorge Flores to state their findings on this matter after reviewing the reports that have been submitted.

Cmr. Vasquez stated that this contract was a concern of his from the beginning. He stated that he has reviewed the documentation submitted. He stated that he has worked with gangs, drugs, and violence and feels that he is knowledgeable in the area of social work and feels that the information was merely downloaded from the internet.

Cmr. Cortez expressed concerns about lump sum payments and is glad that this is done on a month to month basis. He stated that forces needed to be joined in order to battle more effectively against drug abuse. He stated that the monies would be better spent if allotted to the Sheriff's Department or District Attorney's Office since they have similar programs in place.

Mr. Homero Ramirez, County Attorney, stated that more detailed discussion as to the contract in place could be done during Executive Session under Addendum Item No. 5. He stated that he would like to meet in Executive Session before any staff comments are made since some legal issues need to be discussed first.

Item No. 12 Status on communications and Public Access and City of Laredo's use overlap.

Mr. Raul Casso, Chief of Staff, stated that it was brought to their attention that if Commissioner Court meetings overlap with City Council meetings, Webb County is cut off. He stated that they have also been advised that though the system uses two hour tapes, they want the court to use one hour tapes.

Judge Bruni stated that the county should have its own public access channel to publicize county events. He stated that it was not fair to citizens to cut short live meetings.

Cmr. Cortez stated that it was important for residents to know what is going on in county government. He stated that he was disappointed in the treatment being given by the City of Laredo and would like for staff to meet with Time Warner in regards to this issue

- Item No. 13 Discussion and possible action concerning the transfer of \$219,000.00 from account #16820013352 to the Webb County Area Justice Foundation for the implementation of S.M.A.R.T. PATH Youth Intervention Program for Juvenile Offenders.

Cmr. Cortez withdrew this item in respect of the incoming Sheriff-elect Rick Flores. He stated that he did not want to drain funds that may be needed by Sheriff-elect Flores.

Sheriff-elect Rick Flores congratulated Judge Bruni and the court for bringing the jail under compliance. He stated that Mr. Carlos Villarreal, Court Executive Administrator, played a vital role as did the committee and jail staff in bringing the jail under compliance. He stated that he would take office in January and needs every dollar available to revamp and reorganize the office. He stated that he would like to be consulted on items such as this in the future.

Mr. Leo Flores, County Auditor, stated that the account shown was for the Sheriff's State Forfeiture Account.

MEDIA BREAK (3:41 pm to 3:48 pm)

- Item No. 14 Discussion and possible action to transfer \$10,000.00 from Account Number 001-0109-6022 to account Number 001-0110-7421 (STDC Elderly Nutrition Program).

Cmr. Vasquez stated that the monies would be coming from the General Operations Account – Professional Services line item.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 15 Discussion and possible action to approve the line item transfers attached and shown as back up information to this item as recommended by the County Auditor so that billings can be paid and posted in the fiscal year the bill was incurred.

Mr. Rafael Perez, Chief Deputy Auditor, stated that the Auditor's Office submitted a list of line item transfers needed to close out the year. He stated that the monies are savings or monies that were unspent that would be used to cover operational expenses. Mr. Leo Flores, County Auditor, stated that the savings cannot be carried over and accounts needed to be closed. He stated that any unspent monies would go to the General Fund.

Cmr. Cortez stated that monies left over in the Golf Course and Indigent Services accounts should be carried over.

Cmr. Velasquez requested a report showing all those departments with savings.

Mr. Leo Flores, County Auditor stated that the CAA programs used payroll to cover line item transfers. He stated that the budget should be completed by the end of the week. He stated that Mejia & Associates have started the yearly Independent Audit.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 16 Discussion and possible action to modify and fill the following slot for Rural Transportation Program:
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|-------|------------|------------------|------------|
| From: | Slot #1134 | Secretary | \$9.18/hr. |
| To: | | Office Assistant | \$9.18/hr |
- Effective November 9, 2004. Funding comes from Rural Transportation Program grants. No impact on the General Fund.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Ms. Cynthia Mares, Community Action Agency Director, stated that the maximum salary for this position was \$10.00 depending on the applicants' qualifications.

Motion carried 5-0 by unanimous consent.

- Item No. 17 Discussion and possible action to approve budget revision for the Community Services Block Grant (CSBG), FY-2004.

Cmr. Cortez motioned to table this item. Motion died for lack of a second.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Ms. Cynthia Mares, Community Action Agency Director, presented the following revisions to the court:

- Support expenditures for Elderly Nutrition Program to cover 3rd Party Funding cut from City of Laredo of 50%
- Projections made are higher than expected
- \$20,000 taken from Emergency Services to cover additional 2% raise from County.
- Depending on funding and employee merit, raises were given

Cmr. Velasquez stated that Ms. Mares has given an excellent explanation of the budget revisions and has always kept court abreast of events in her department. Cmr. Gutierrez questioned whether Court approval is needed if a raise is requested during a year when no across the board raises are given. Ms. Mares stated that she

needs Court and State approval. Cmr. Cortez wanted for the record to show that Ms. Mares replied no when asked if employees are given raises during off years. Cmr. Vasquez stated that the question was a double-edged sword since there have been times when her employees did not receive a raise along with county employees.

Motion carried 4-1 with Cmr. Cortez voting against.

- Item No. 18 Discussion and possible action to enter into a one (1) year (September 1, 2004 through August 31, 2005) Interlocal Agreement with United Independent School District (U.I.S.D.) for three (3) Justice of the Peace Juvenile Coordinators in J.P. Court Precinct 2, Place 1 and Place 2, and Juvenile Coordinator for J.P. Court Precinct 4 in the amount of TEN THOUSAND ONE HUNDRED AND FIFTY-TWO DOLLARS (\$10,152.00) for the Coordinator assigned to J. P. Court Precinct 2, Place 1, and THIRTEEN THOUSAND NINE HUNDRED FORTY DOLLARS (\$13,940.00), for the Coordinator assigned to J. P. Court Precinct 2, Place 2, and FIFTEEN THOUSAND ONE HUNDRED TWENTY-ONE DOLLARS (\$15,121.00) for the Coordinator assigned to J. P. Court Precinct 4, and authorizing the County Judge to execute all relevant documents. [Requested by Justices of the Peace Precinct 2, Places 1 & 2, Justice of the Peace Precinct 4]

Cmr. Gutierrez motioned to approve item as submitted. Judge Bruni seconded the motion with discussion.

Mr. Leo Flores, County Auditor, sated that this item was included in the budget but may be short \$400 in J.P. Martinez's budget. He stated that the school districts provide 50% of the truancy clerk's salary while Webb County pays the remaining 50%. Mr. Homero Ramirez, County Attorney, stated that this has been done for many years and cost is shared in order to expedite cases.

Motion carried 5-0 by unanimous consent.

- Item No. 19 Discussion and possible action to enter into a contract amendment to provide for two (2) month's rent assistance instead of one (1) month's rent of not more than ONE THOUSAND DOLLARS (\$1000.00) instead of SEVEN HUNDRED DOLLARS (\$700.00), or for a maximum of THREE THOUSAND DOLLARS (\$3,000) in mortgage payment(s) instead of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00) and authorizing the County Judge to sign all relevant documents. [Requested by Community Action Agency]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 20 Discussion and possible action to enter into a One (1) year computer hardware agreement with SBC DataComm beginning January 15, 2005 through January 14, 2006 for an total cost of TWENTY-ONE THOUSAND TWENTY-SEVEN DOLLARS AND THIRTY CENTS (\$21,027.30) and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Mr. Guillermo Garcia, M.I.S. Director, stated that the monies are budgeted in the Maintenance line item.

Motion carried 5-0 by unanimous consent.

Mr. Homero Ramirez stated that he has four items from his office on the Addendum.

Cmr. Gutierrez motioned to move up Addendum Item No. 6. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum 1
Item No. 6

Discussion and possible action to ratify and approve a construction contract with Gilbert Texas Construction, L.P. in the amount of ONE MILLION FIVE HUNDRED EIGHTY-THREE THOUSAND TWO HUNDRED SIXTY-ONE DOLLARS AND TWENTY CENTS (\$1,583,261.20) for the construction of storm drainage facilities/ improvements in the City of Rio Bravo, Texas as awarded by the Commissioners Court on October 25, 2004 and being only Phase 1, Sections A and B (involving the drainage improvements from the south right-of-way line of Paseo de Neva to the south right-of-way of Paseo de Tiber, including clearing/shaping of the existing earthen channels from the south right-of-way line of Paseo de Tiber to the north right-of-way line of Espejo Molina Road and clearing/shaping of the east channel section from the proposed channel to the south right-of-way of Paseo de Tiber) and any matters incident thereto.

Mr. Homero Ramirez, County Attorney, stated that this project was awarded October 25th and complements ongoing projects in the area. He stated that contract has been prepared and executed and is requested ratification of contract.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 21 Discussion and possible action to approve the purchase of various equipment for the Webb County Clerk's Office from Dell Government Sales in the amount of approximately \$49,807.51 (plus freight). This request will have no impact on the General Fund and will be funded from Fund 005 - County Clerk Records Archive Fund.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Ms. Margie Ramirez Ibarra, County Clerk, advised the court that the monies were available in Professional Services but that the monies would be reclassified for the purchase of the equipment.

- Item No. 22 Discussion and possible action to approve the acceptance of the New Self-Help Center Building as recommended by the project architect, Mr. Mario Jasso, Architects Plus, Inc., authorize that all final bills and retainage be approved and designate the program(s) to be housed in this facility.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 23 Discussion and possible action to authorize the creation of a VISTA Advisory Committee and request that each member of the Commissioners Court nominate one person to serve on the VISTA Advisory Committee.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 24 Discussion and possible action to authorize the County Auditor authority to expend funds from the Webb County CAA-Self-Help Center Program, effective October 1, 2004 thru December 31, 2004.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 25 Discussion and possible action to prorate rent, Six Hundred dollars (\$600.00) to allow the Self-Help staff to vacate the premises at Colonia Los Altos and relocate to the New Webb County Self-Help Center. (Account # 506-6500-6012 Space Rental)
- Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 26 Discussion and possible action to approve Memorandum of Agreement between Corporation For National And Community Service and Webb County for the Assignment of up to fifteen (15) AmeriCORPS*VISTA members which includes a grant for (\$351,276) Three Hundred Fifty-One Thousand Two Hundred Seventy-Six for the period up to December 31, 2005.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 27 Discussion and possible action to approve a Resolution authorizing the following County Official: Honorable Louis H. Bruni, Honorable Judith G. Gutierrez, and Honorable David R. Cortez to be designated as authorized signatories for the Texas Department of Housing and Community Affairs- Office of Colonia Initiatives, Self-Help Center Program.
- Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 28 Discussion and possible action to authorize the Economic Development Department to submit a (RBOG) Rural Business Opportunity Grant

Application (Federal) and /or a Rural Business Enterprise Grant (RBEG) application (State) to the U.S. Department of Agriculture, Rural Development in the amount of (\$250,000) Two Hundred Fifty Thousand Dollars each for the purpose of preliminary studies, engineering and environmental studies, for the Regional Mobility Authority Project.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 29 Discussion and Possible Action Authorizing the extension of the lease between Webb County and Ed Ramirez Jr. for the Justice of the Peace Pct. 2 Place 2 for six months in the amount of \$2,400.00 per month.

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 30 Discussion and Possible Action Authorizing the Utilities Department to fill Vacant Position, Slot # 1534, Operator I, at a salary of \$9.32 per hour.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 31 Discussion and possible action to approve York International Company to provide labor and materials to remove, rebuilt, and re-install a 250 ton York Chiller at a cost of \$8,700.00 and expenses to be charged to account 001-0106-6401 Repairs and Maintenance of Buildings.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Mr. Raul Elizondo, Building Maintenance Director, stated that maintenance contract is covering the repairs and County would be responsible for labor costs.

Motion carried 5-0 by unanimous consent.

- Item No. 32 Discussion and possible action to approve the activation of cellular phone service to three Nextel 2-way radios assigned to Facilities

Department Director and supervisors, expenses to be charged to The General Operating Account (#001-0109-6004).

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 33 Discussion and possible action to fill custodial slot #023 at \$8.25 per hour and charge to (account #001-0106-5001 Building Maintenance Payroll).

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Cmr. Cortez stated that he would be placing an item on the agenda to raise the minimum salary to \$9.00. Mr. Homero Ramirez, County Attorney, stated that there are a number of ways to address this item but budget impact would be needed.

Motion carried 5-0 by unanimous consent.

- Item No. 34 Discussion and possible action to fill slot # 2171, part-time Kitchen Aide (17.5 hrs/week for 10 months) with an annual salary of \$6,253, effective October 26, 2004 through May 28, 2005 for a total prorated salary of \$5,198. [Grant Account #906-4209-5001; No Impact on the General Fund]

- Item No. 35 Discussion and possible action to fill slot # 2052 and 2156, part-time Substitute Teacher (15 hrs/week for 10 months) with an annual salary of \$4,721, effective October 26, 2004 through May 28, 2005 for a total prorated salary of \$3,861. [Grant Account #906-4207-5001 No Impact on the General Fund]

Cmr. Gutierrez motioned to approve Item No. 34 and No. 35 as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 36 Discussion and possible action to authorize the Purchasing Agent to hire the services of Cantu Electric co., Inc. to install/repair one Victorian light pole and one Victorian light pole with flood light fixture and electrical receptacle for a sum of \$7,850.00 as requested by the Building Maintenance Department. (Repairs and Maintenance Account #001-0106-6401)

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 37 Discussion and possible action to accept the recommendation of the Purchasing Agent to award Bid No. 2005-40 "One Type III Bus W/Wheelchair" to the sole bidder National Bus Sales & Leasing as recommended by Texas Department of Transportation.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 38 Discussion and possible action to award Bid #2004-72 "Webb County School Land (Cuchilla and Lomas Pastures Hunting Lease" to one of the following bidders:

De Hoyos Air Conditioning
Alberto Rubio

El Rio Pharmacy
Dr. Apolonio Santos

Rodolfo Echavarria

Mr. Eloy Ramirez, Purchasing Agent, stated that he recommended the highest bidder, Mr. Alberto Rubio, who bid \$12.70 per acre. He stated that Mr. Rubio planned to do some cattle operations and would be responsible for the mending of the fences. He stated that Mr. Rubio would not have a right to sub-rent. He stated that if the court felt the bids were too low, they can reject the bids and re-bid using a minimum bid. Mr. Homero Ramirez, County Attorney, stated that as per the qualifications published, this bid was for a hunting lease only and did not include a grazing lease. He stated that Mr. Ramirez would need to advise the bidders that bids were for hunting leases only and confirm their bids. He recommended that the bids be accepted for negotiation on the hunting lease only and that the lease be brought before the court. Judge Bruni stated that it was important to properly manage the land and would be in the best interest of the county to have a biologist fly over the lands and check out the type of game available. He requested that the bids should have been requested earlier and possibly in the summer.

- Item No. 39 Discussion and possible action to authorize the Purchasing Agent to solicit price quotations for propane purchases for the Texas Department of Housing and Community Affairs (Energy Crises Component) for the Community Action Agency.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 40 Discussion and possible action to award a purchase order contract for a fire and security alarm system for the Self Help Center Facility to Kelmar & Associates in the amount of \$6,039.00 plus \$45.00/per month for monitoring services.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 41 Discussion and possible action to instruct the County Treasurer to honor the pay duly approved by the Purchasing Board and the pay increase duly approved by Commissioners Court for purchasing employee Frances Garcia as reflected in the personnel general order prepared by the County Auditor for fiscal year 2004-2005.

Cmr. Cortez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Cmr. Velasquez stated that at a previous meeting, Ms. Delia Perales, County Treasurer, presented to the court a report of employees receiving an increase of more than 5%. He stated that as per the Purchasing Board, they approved a 5% increase for Ms. Garcia which then received the 5% across the board increase for county employees. Mr. Leo Flores, County Auditor, stated that the Purchasing Board held a meeting last week and made their intention very clear. He stated that Ms. Perales was present when the board clarified that they intended to approve a 5% adjustment for Ms. Garcia separate and apart from the 5% given across the board. He stated that the board approved this unanimously. Ms. Delia Perales, County Treasurer, stated that she was not withholding the pay for political reasons but for clarification since it was never brought before the court. Cmr. Vasquez stated that it was not Ms. Perales' duty to interpret the courts' intentions and the adjustment should have been paid once the clarification was received from the Purchasing Board. Mr. Flores stated that the adjustment approved by the Purchasing Board was already incorporated in the proposed and approved budget.

Motion carried 5-0 by unanimous consent.

- Item No. 42 Discussion and possible action to authorize the Purchasing Agent to purchase four (4) mobile vision color cameras with a 16X optical-1128X digital power zoom lens and a 1-LUX sensitivity from Mobile Vision in the amount of \$9,800.00 for the Law Enforcement Center.

Cmr. Cortez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 43 Discussion and possible action to fill slot #1995 Refuse Truck Driver at 10.05/hr and slot #2116 at 10.15/hr effective November 12, 2004.

Cmr. Cortez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 44 Discussion and possible action to approve the following expenditures:

Brooks County	\$18,337.50
The Productivity Center	\$ 2,359.00
Continental Chemicals	\$ 1,750.17

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Mr. Leo Flores, County Auditor, stated that as per the back up, the Productivity Center was a subscription renewal.

Motion carried 5-0 by unanimous consent.

Item No. 45 Discussion and possible action to approve the Texas Department of Transportation Traffic Safety Grant in the amount of \$13,194.00. This grant and agreement is for enforcement of the Texas Transportation Code and to conduct additional speed and occupant restraint enforcement, surveys, education and media activity during selected holiday periods.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 46 Discussion and possible action to ratify payroll proposal qualifying the Webb Co. Sheriff's Department for \$77,543.12 in overtime funding, and participating in the United States Customs and Border Protection (C.B.P.) "Operation Stonegarden", augmenting border security through the use of federal funding.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 47 Discussion and possible action to approve the following expenditures from [Account #04-04599 State Attorney General Grant]
Appriss (Texas Vine Project) \$ 15,422.50

Cmr. Velasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move into Executive Session. Cmr. Vasquez seconded the motion.

Mr. Homero Ramirez, County Attorney, stated that Addendum Item No. 4 was not an Executive Session item. Cmr. Cortez stated that he would not go into Executive Session on any bridge matters.

Motion carried 5-0 by unanimous consent.

EXECUTIVE SESSION (5:08 pm to 5:50 pm)

Judge Bruni reconvened the meeting and stated that no action was taken while in Executive Session.

Item No. 48 Discussion and possible action related to litigation concerning 17-acre tract known as One River Park Subdivision. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney-pending litigation)]

Mr. Homero Ramirez, County Attorney, stated that this item was for status only and no action was necessary.

Item No. 49 Discussion and possible action related to litigation threatened by the Texas Commission on Jail Standards. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney-pending litigation)]

Mr. Homero Ramirez, County Attorney, stated that this item was for status only and no action was necessary.

Item No. 50 Discussion and possible action related to possible litigation concerning Webb County Bridge project. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney-pending litigation)]

Mr. Homero Ramirez, County Attorney, stated that this item was for status only and no action was necessary.

Item No. 51 Discussion and possible action regarding (1) the recommendation of the Webb County Employee Grievance Committee concerning the grievance of former Interim Indigent Services Director, Francisco X. Salinas; and (2) the Charge of Discrimination filed by Mr. Salinas with the United States Equal Employment Opportunity Commission. Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)

Mr. Homero Ramirez, County Attorney, stated that the court had several options: accept the Grievance Committee's recommendation, reject the recommendation and uphold the termination or take no action.

Comr. Cortez motioned to appoint Mr. Frank X. Salinas as Deputy Director for the Human Resources Department with pay equal to what he was earning as Indigent Interim Director effective October 1st with no loss of benefits and that he remain under the direction of Mr. Jorge Flores, Interim Risk Manager, until the restructuring of the Human Resources Department is completed. Comr. Velasquez seconded the motion.

Comr. Gutierrez expressed her concerns about hiring someone for such a specialized position without requesting qualifications or additional applications. She questioned whether Mr. Salinas' qualifications made him the most qualified and that RFQ's were needed to make sure that he had the ability and knowledge to serve in that position. She stated that it was wrong and completely shameless to have members of the court give the position to someone unqualified. Comr. Velasquez stated that the court would not be in this mess if one of the Commissioners Administrative Assistants was chosen for the position. He stated that the Grievance Committee recommended that Mr. Frank Salinas be placed in a comparable position due to his loyalty to the county. Judge Bruni stated that the court did not need to accept the recommendation of the grievance committee and needed to do what was best for the county. Mr. Homero Ramirez, County Attorney, stated that the Grievance Committee's recommendation was to place Mr. Salinas in a comparable position. He stated that court can accept, reject or modify the committee's recommendation. He stated that it was the court's discretion to appoint department heads and there was a policy in place to publish all positions over \$40,000 but the court can grant an exception from the policy. Comr. Vasquez argued that this position would pay approximately \$60,000 for a director who has no employees in a department that has not been finalized. Comr. Gutierrez stated that Ms. Medina applied for the IHC Director Position via the RFQ's requested and was hired by the court. She stated that it was an insult to the community to hire some one without requesting RFQ's. Comr. Vasquez stated that by the court doing this, it was sending a message to employees found unqualified that 1) they can sue the county for terminating them and settle for a large sum of money or 2) wait and the court will place you in another slot that pays the same. He stated that it was wrong and unfair to have the taxpayers foot \$60,000 due to someone's unemployment.

Cmr. Cortez amended his motion to include the upholding of the Grievance Committee's recommendation. Cmr. Velasquez amended his second.

Mr. Homero Ramirez, County Attorney, stated that the court would need to table the item or approve the item contingent on having the court come back with the funding source at a later meeting. Mr. Raul Casso, Chief of Staff, stated that there are many issues that will not be resolved today and would like to look for a position that would be commensurate to Mr. Salinas' previous position and bring it before the court. He stated that RFQ's should be requested for the Human Resource office due to its sensitive nature and future plans for Webb County. Cmr. Cortez stated that Mr. Salinas would be the Deputy Director, not the Director pending the restructuring of the department. Mr. Ramirez stated that as county attorney, his job was to work as legal counsel for Webb County and stated that he had some concerns about a motion to create a position which was not posted on the agenda, creating a position in a department without a department head. He stated that he found it difficult to place someone in a department that has no clearly stated mission and feels that the best thing to do would be to table the item without taking any action. Cmr. Cortez inquired as to whether slot could be transferred under the direction of Mr. Jorge Flores, interim Risk Manager, until the department has been restructured.

Cmr. Cortez amended his motion to have Mr. Salinas as Deputy Director under Mr. Jorge Flores, interim Risk Manager.

Cmr. Velasquez retracted his second until a better solution was found. He stated that Mr. Salinas is a good employee.

Motion died due to lack of second.

Cmr. Vasquez motioned to table Item No. 51. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Cortez inquired as to what was needed to show that Ms. Medina was not qualified for the position of Indigent Services Director as per the RFQ's requested. Mr. Homero Ramirez, County Attorney, stated that it would be inappropriate to answer this question in open court since it required legal advice. Cmr. Gutierrez stated that she did not agree with Cmr. Cortez's comments and stated that Ms. Medina was very qualified for the position.

Addendum 1 Item No. 4

Discussion and possible action to ratify all the Commissioners Court actions taken at its meeting of October 25, 2004 and October 26, 2004.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum 1
Item No. 5

Discussion and possible action regarding the contractual performance by IDEAA Program. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 – Consultation with Attorney]

Mr. Homero Ramirez, County Attorney, recommended authorization to request a letter clarifying and confirming work done along with supporting document and if information submitted is inadequate, authorization to file suit.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum 1
Item No. 7

Discussion and possible action:

- 1) to vacate the order entered by the Webb County Commissioners Court on September 27, 2004, that designated the area for the posting of public notices and the conduct of Sheriff Sales; and
- 2) to enter an order that
 - a) designates the place of sale of real property pursuant to Texas Rule of Civil Procedure 646a as the first floor rear entrance on the north side of the Webb County Justice Center; and
 - b) that permits the posting of notices of tax sales and sales pursuant to writs of execution at teat same location.

[Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 – Consultation with Attorney]

Mr. Homero Ramirez, County Attorney, stated that this would be effective January 1, 2004.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum 2
Item No. 1

Discussion and possible action to set the minimum bid for the proposed Old Detention Center site sale based on the December 2003 appraisal or to direct the County Purchasing Agent to acquire a new appraisal. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.072 – Deliberation regarding real property]

Mr. Homero Ramirez, County Attorney, stated that the last appraisal was done December 2003 and court would need to advise Mr. Eloy Ramirez, Purchasing Agent, of minimum bid using last appraisal or to request a new appraisal. He stated that he recommended going out for a new appraisal. Cmr. Velasquez stated that an additional appraisal is no needed and if the bids are not acceptable, they can be rejected. Cmr. Gutierrez stated for the record that she opposed the sale. Cmr. Velasquez stated that he has verbally articulated \$10 million as the minimum bid. Mr. Homero Ramirez recommended that the court go for a new appraisal and review both appraisals.

Cmr. Velasquez motioned to use the 2003 Appraisal as the minimum bid. Cmr. Cortez seconded the motion.

Motion carried 3-2 with Cmr. Vasquez and Cmr. Gutierrez voting against.

Cmr. Velasquez was excused from the remainder of the meeting. (6:30 pm)

Item No. 38 Discussion and possible action to award Bid #2004-72 "Webb County School Land (Cuchilla and Lomas Pastures Hunting Lease" to one of the following bidders:

De Hoyos Air Conditioning	El Rio Pharmacy	Rodolfo Echavarria
Alberto Rubio	Dr. Apolonio Santos	

Mr. Homero Ramirez, County Attorney, stated that this was for a hunting bid only. Mr. Eloy Ramirez, Purchasing Agent, stated that there was no mention of cattle grazing in the bid submitted by Mr. Rubio but that it was stated as hunting and grazing lease proposal on the title page. He stated that if cattle grazing were permitted, it would encourage Mr. Rubio to mend the fences since many fence lines are gone. Mr. Homero Ramirez stated that this would include the improvements stated in Mr. Rubio's bid. He stated that the lease would be per acre plus Mr. Rubio's commitments included in his bid. He stated that court does not have the authorization to grant grazing lease under this item and if Mr. Rubio does not accept the lease for hunting only, the bid would be rejected.

Cmr. Gutierrez motioned to award the bid to Mr. Alberto Rubio for a three year / two year option. Cmr. Vasquez seconded the motion.

Motion carried 3-1 with Cmr. Cortez voting against and Cmr. Velasquez not present for voting.

Addendum 2

Item No. 2 Adjournment

Item No. 52 Adjournment

Cmr. Vasquez motioned to adjourn the meeting. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.